Annual Report
2001-2002

Saskatchewan Information and Privacy Commissioner

Saskatchewan
Information and Privacy
Commissioner

SASKATCHEWAN

Gerald L. Gerrand, Q.C.
c/o 700 – 1914 Hamilton Street
Regina, Saskatchewan
S4P 3N6

Tel: (306) 787-8351
Fax: (306) 522-3555

July 16, 2002.

Speaker's Office,
Province of Saskatchewan,
Room 129, Legislative Building,
Regina, Saskatchewan.
S4S 0B3

Dear Mr. Speaker:

In accordance with the provisions of Section 62(2) of *The Freedom of Information and Protection of Privacy Act*, I am forwarding to you my Annual Report to the Legislative Assembly.

Yours very truly,

G. L. GERRAND, Q.C.
Conflict of Interest Commissioner
Province of Saskatchewan

GLG/oc
Enclosure

102-06541/

Gerald L. Gerrand, Q.C.
c/o 700 – 1914 Hamilton Street
Regina, Saskatchewan
S4P 3N6

Tel: (306) 787-8351
Fax: (306) 522-3555

This Report of the Commissioner pursuant to *The Freedom of Information and Protection of Privacy* Act and *The Local Authority Freedom of Information and Protection of Privacy Act* covers the period from April 1, 2001 to March 31, 2002.

The Report reflects an increase in the activity of the Commissioner. The figures set forth in this Report indicate a 25 percent increase in Privacy investigations and a 54 percent increase in Requests for Review over the previous fiscal year. By reason of the increase in Requests for Review and the backlog of Reviews at the time of my appointment, there was an increase over the previous year in the Reviews completed and Reports rendered of close to 300 percent.

The increased activity detailed in this Report reflects an increased awareness on the part of Saskatchewan citizens of their rights respecting access to information that is in the possession or under the control of Government and agents of Government and the obligation of Government to guard against the release of their personal information.

Appointment of F.A. MacBean, Q.C. as Acting Information and Privacy Commissioner

Shortly following one year after my appointment as Commissioner, I determined that I had a conflict of interest respecting two matters that had been referred to me as Commissioner. Following consultations with representatives of the Department of Justice, it was determined that an Acting Commissioner should be appointed to deal with those matters which I was prevented from handling by reasons of the aforementioned conflict.

An Order in Council was duly passed July 6, 2001, appointing Franklin Alexander MacBean, Q.C. of Swift Current, Saskatchewan, Acting Information and Privacy Commissioner. Subsequent to July 6, 2001, Mr. MacBean has performed the function of Commissioner in those circumstances where I was prevented from doing so by reason of the existence of a conflict of interest.

The Freedom of Information and Protection of Privacy Act

During the period of this Report, 42 Requests for Review were filed with me. Twenty-four were finalized by way of Report and Recommendations. Several were resolved by negotiation or abandonment. 16 Requests for Review remain open. No appeal proceedings were taken respecting any of the Reports and Recommendations that were rendered by me.

Five Requests for Review were directed to Mr. MacBean. Two Reviews were concluded by Mr. MacBean, one matter was resolved without Report and two Requests for Review remain open before Mr. MacBean.

The Local Authority Freedom of Information and Protection of Privacy Act

During the period of this Report, 6 Requests for Review were filed with me. Two Reviews were concluded and Reports submitted. One matter was resolved without Report and 2 Requests for Review are on-going.

An Appeal was taken to the Court of Queen's Bench respecting the decision made by me in one Report. The Appeal was dismissed and the recommendations made by me in the Report confirmed in the proceedings.

One Request for Review was directed to Mr. MacBean. A review was conducted by him and a Report duly issued.

The Protection of Privacy

During the period of this Report, 9 files were opened by reason of specific complaints respecting alleged breaches of privacy rights under the *Act*. Investigations were commenced pursuant to Section 33 of the *Act* respecting each complaint. Seven of the complaints were resolved as contemplated by the *Act* and 2 complaints continue to be the subject of review.

General Inquiries

During most working days, inquiries from members of the public are received and processed. These inquiries cover a wide range of issues related to information and privacy concerns. The inquiries are made by telephone in almost all instances. Most of the requests for information relate to the procedures to be followed in seeking information from government institutions and the obligation of government institutions to keep confidential personal information. As in the fiscal year 2001, approximately 200 general inquiries were received and answered during the period of this Report.

Proposed Changes for the Office of the Commissioner

Shortly following my appointment as Commissioner, it became apparent to me that most other Canadian jurisdictions devote greater resources and manpower to Freedom of Information and Privacy matters than we do in Saskatchewan. During the latter months of 2001, I conducted a study of the operations carried out by Governments in Western Canadian jurisdictions in the area of Freedom of Information and Protection of Privacy.

That study indicated to me that far more extensive resources were being devoted in neighboring provinces to the activities of the Information and Privacy Commissioner's office than presently occurs in Saskatchewan. That fact, coupled with the ever increasing number of inquiries in the area of Privacy and Requests for Review, prompted me to suggest organizational changes to the role of the Commissioner, including increased support staff and the appointment of a Commissioner who does not also perform the role of Conflict of Interest Commissioner, as I presently do.

Adding to the likelihood of increased responsibility in the area of Information and Privacy are the realities created by the passing of *The Health Information Protection Act* in the spring of 1999. This *Act* has been given Royal Assent and when it is proclaimed, the responsibilities and workload of the Information and Privacy Commissioner will be significantly increased.

It is my expectation that changes will take place in the near future regarding the organization and staffing of the office of the Information and Privacy Commissioner.

Expenditures of Office

The budget for the Office of the Information and Privacy Commissioner is $105,000.00 for the period of this Report. Of this sum, $83,805.24 was actually expended. The sum of $1,252.00 was charged by Acting Commissioner MacBean for this period for the portion of Commissioner's responsibilities carried out by him.

Conclusion

This Report will almost certainly be the last Report I submit as Commissioner. I wish to thank Government representatives and members of the public who have assisted in

carrying out my responsibilities. I wish the office of Commissioner all the best for the future in dealing with the important and ever increasing concerns related to Privacy rights of individuals and the acquisition, retention and dissemination of information in the hands of Government.

DATED at Regina, Saskatchewan, this 16th day of July, 2002.

G.L. Gerrand, Q.C.
Freedom of Information
and Privacy Commissioner
Province of Saskatchewan